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# Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

## Report of the Fifth Committee

*Rapporteur*: Ms. Yuliana Zhivkova **Georgieva** (Bulgaria)

## I. Introduction

1. At its 2nd plenary meeting, on 18 September 2009, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fourth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 19th and 22nd meetings, on 10 and 23 December 2009. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/64/SR.19 and 22).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the budget for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other



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Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, for the biennium 2010-2011 (A/64/478);

(b) Report of the Secretary-General on the second performance report of the International Criminal Tribunal for Rwanda for the biennium 2008-2009 (A/64/538);

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/555);

(d) Report of the Secretary-General on the revised estimates for the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia: effect of changes in rates of exchange and inflation (A/64/570);

(e) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/64/7/Add.19).

## II. Consideration of draft resolution A/C.5/64/L.13

4. At its 22nd meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/64/L.13), submitted by the Chairperson on the basis of informal consultations coordinated by the representative of New Zealand.

5. At the same meeting, the Committee adopted draft resolution A/C.5/64/L.13 without a vote (see para. 6).

## III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

### Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

*The General Assembly*,

**I**

**Second performance report on the budget of the International Criminal Tribunal for Rwanda for the biennium 2008-2009**

*Having considered* the second performance report of the Secretary-General on the budget, for the biennium 2008-2009, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994,[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

*Recalling* its resolution 49/251 of 20 July 1995 on the financing of the International Criminal Tribunal for Rwanda and its subsequent resolutions thereon, the latest of which were resolutions 62/229 of 22 December 2007 and 63/254 of 24 December 2008,

1. *Takes note* of the second performance report of the Secretary-General on the budget, for the biennium 2008-2009, of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994[1] and the related report of the Advisory Committee on Administrative and Budgetary Questions;[2]

2. *Endorses* the conclusions and recommendations contained in section III.B of the report of the Advisory Committee on Administrative and Budgetary Questions;[2]

3. *Resolves* that, for the biennium 2008-2009, the amount of 305,378,600 United States dollars gross (282,597,100 dollars net) approved in its resolution 63/254 for the financing of the International Criminal Tribunal for Rwanda shall be

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[1] A/64/538.

[2] See A/64/555.

adjusted by the amount of 840,600 dollars gross (3,224,500 dollars net), for a total amount of 304,538,000 dollars gross (279,372,600 dollars net);

## II
## Budget of the International Criminal Tribunal for Rwanda for the biennium 2010-2011

*Having considered* the reports of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda for the biennium 2010-2011[3] and on the revised estimates arising from changes in rates of exchange and inflation,[4]

*Having also considered* the related report of the Advisory Committee on Administrative and Budgetary Questions,[2]

1. *Takes note* of the reports of the Secretary-General on the financing of the International Criminal Tribunal for Rwanda for the biennium 2010-2011,[3] and on the revised estimates arising from the effects of changes in rates of exchange and inflation;[4]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[2] subject to the provisions of the present resolution;

3. *Welcomes* the arrest of two further indictees and requests the Tribunal to proceed with their prosecutions from available resources, and also requests the Secretary-General, in this respect, to report to the General Assembly on the financial implications of these prosecutions at its next session;

4. *Also welcomes* the work of the Tribunal to ensure the expeditious completion of its mandate and, with regard to the current budget, the commensurate reduction in the cost of the Tribunal;

5. *Recognizes* the critical importance of retaining highly skilled and experienced staff members with relevant institutional memory in order to successfully complete the trials and meet the targets set out in its completion strategy;

6. *Reaffirms* paragraph 5 of its resolution 63/256 of 24 December 2008 and requests the Secretary-General to utilize his existing authority under the existing contractual framework to offer contracts to staff taking into account the needs of the Tribunal;

7. *Requests* the Secretary-General to explore the possibility of employing staff who remain with the Tribunal until the completion of the Tribunal's mandate at the United Nations should their services be required;

8. *Recognizes* the importance of ensuring that the Tribunal retains the courtroom capacity needed for the expeditious completion of all trials, and in this regard, decides that the fourth courtroom be funded during the biennium from within the 2010-2011 budget;

9. *Notes* that the Tribunal relies on ad litem judges in the implementation of its completion strategy;

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[3] A/64/478.

[4] A/64/570.

10. *Also notes* that the Secretary-General is conducting a review of conditions of service of ad litem Judges at the Tribunal and anticipates addressing the review at the first resumed part of its sixty-fourth session;

11. *Requests* that future budget proposals of the International Criminal Tribunal for Rwanda and the International Tribunal for the Former Yugoslavia be harmonized to facilitate better comparative analysis, particularly with respect to their completion strategies;

12. *Decides* to appropriate to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 a total amount of 245,295,800 dollars gross (227,246,500 dollars net) for the biennium 2010-2011, as detailed in the annex to the present resolution;

13. *Further decides* that the total assessment for 2010 under the Special Account amounting to 121,807,300 dollars shall consist of:

(a) 122,647,900 dollars, being half of the estimated appropriation approved for the biennium 2010-2011;

(b) 840,600 dollars, being the decrease in the final appropriation for the biennium 2008-2009 approved by the General Assembly in paragraph 3 of section I above;

14. *Decides* to apportion the amount of 60,903,650 dollars gross (55,199,375 dollars net) among Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2010;

15. *Also decides* to apportion the amount of 60,903,650 dollars gross (55,199,375 dollars net) among Member States in accordance with the scale of assessments applicable to peacekeeping operations for 2010;

16. *Further decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 14 and 15 above, their respective share in the Tax Equalization Fund of the estimated staff assessment income of 11,408,550 dollars approved for the International Criminal Tribunal for Rwanda for 2010.

## Annex

### Financing for the biennium 2010-2011 of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

| | *Gross* | *Net* |
|---|---|---|
| | *(United States dollars)* | |
| Estimated appropriation for the biennium 2010-2011 | 257 849 900 | 239 988 300 |
| Revised estimates: effects of changes in rates of exchange and inflation | 5 186 500 | 5 066 200 |
| Recommendations of the Advisory Committee on Administrative and Budgetary Questions | (18 421 000) | (18 421 000) |
| Proposals under the standardized access control project (A/64/532) less the reduction recommended by the Advisory Committee on Administrative and Budgetary Questions | 680 400 | 613 900 |
| Recommendations of the Fifth Committee | — | — |
| Estimated initial appropriation for the biennium 2010-2011 | 245 295 800 | 227 246 500 |
| **Total assessment for 2010** | **121 807 300** | **110 398 750** |
| Comprising: | | |
| (a) Requirements representing half of the estimated appropriation for the biennium 2010-2011 | 122 647 900 | 113 623 250 |
| (b) Requirements arising from the final appropriation for the biennium 2008-2009 | (840 600) | (3 224 500) |
| Of which: | | |
| Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2010 | 60 903 650 | 55 199 375 |
| Contributions assessed on Member States in accordance with the scale of assessments applicable to peacekeeping operations of the United Nations for 2010 | 60 903 650 | 55 199 375 |